

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

THE STATE OF MISSOURI, and

THE STATE OF TEXAS,

Plaintiffs,

V.

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America, *et al.*,

Defendants.

AND

THE GENERAL LAND OFFICE OF
TEXAS, *et al.*,

PLAINTIFFS

V.

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America, *et al.*,

Defendants.

**UNOPPOSED JOINT MOTION FOR CASE MANAGEMENT AND
SCHEDULING ORDER**

1. Consistent with this Court’s March 31, 2023, Order (1) staying the summary judgment proceedings for Plaintiff Texas General Land Office (“GLO”) and

the federal Defendants and (2) directing the parties to “submit a proposed schedule for further proceedings within 30 days of the issuance of the Fifth Circuit’s decision,” the Parties submit this joint motion for a scheduling order.

2. The U.S. Court of Appeals for the Fifth Circuit decided the appeal involving the standing for the States of Missouri and Texas on June 16, 2023. It found at the pleading stage that both Missouri and Texas have standing, reversing this Court’s August 3, 2022, Order, which had dismissed both States. R. Doc. 57. The court of appeals also instructed this Court to “expeditiously consider the States’ motion for a preliminary injunction.” R. Doc. 85.

3. All parties conferred on the Fifth Circuit’s instructions and this Court’s March 31 Order.

4. The parties agree that the Motion for a Preliminary Injunction should be decided expeditiously and may be resolved without oral argument. To further that goal, the parties propose permitting the federal Defendants to address any relevant updates since the preliminary injunction motion was briefed by filing a supplemental brief on or before August 11, 2023, shortly after the mandate from the Fifth Circuit is expected to issue. The parties also propose permitting GLO¹ and the States to file a supplemental response brief due on September 1, 2023.

5. The parties propose staying other proceedings in the case until the motion for a preliminary injunction has been adjudicated by this Court. The Court

¹ Separately, GLO will file a motion to join the Motion for Preliminary Injunction, to which defendants do not object.

should require a report on any further proceedings within 30 days of the issuance of an appellate court ruling on the preliminary injunction question.

6. A proposed order is attached to this motion.

Date: July 7, 2023

Respectfully submitted,

ANDREW BAILEY
Attorney General of Missouri

JOHN SCOTT
Provisional Attorney General of Texas

JOSHUA M. DIVINE, #69875MO*
Solicitor General

BRENT WEBSTER
First Assistant Attorney General

/s/ Jeff P. Johnson
JEFF P. JOHNSON, #102921DC*
Attorney-in-Charge
Deputy Solicitor General

RALPH MOLINA
Deputy Attorney General for Legal Strategy

LEIF A. OLSON
Chief, Special Litigation Division

SAMUEL FREEDLUND, #73707MO*
Assistant Attorney General
for Special Litigation

/s/ Ryan D. Walters
RYAN D. WALTERS
Attorney-in-Charge
Deputy Chief, Special Litigation Division
Texas Bar No. 24105085
Southern Dist. of Texas Bar No. 3369185

OFFICE OF THE ATTORNEY GENERAL
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
Tel. (573) 751-1800
Fax (573) 751-0774
josh.divine@ago.mo.gov
jeff.johnson@ago.mo.gov
samuel.freedlund@ago.mo.gov

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548
Austin, Texas 78711-2548
Tel.: (512) 936-1414
Fax: (512) 936-0545
ryan.walters@oag.texas.gov

*Counsel for Plaintiff
State of Missouri*

Counsel for Plaintiff State of Texas

*Admission *pro hac vice* pending

/s/ Austin R. Nimocks

AUSTIN R. NIMOCKS

Attorney-in-Charge

Texas Bar No. 24002695

S.D. Tex. Bar No. 2972032

Email: austin@peelenimocks.com

CHRISTOPHER L. PEELE

Of Counsel

Texas Bar No. 24013308

S.D. Tex. Bar No. 31519

Email: chris@peelenimocks.com

PEELE | NIMOCKS LAW FIRM

6836 Bee Caves Rd.

Bldg. 3, Ste. 201

Austin, TX 78746

Phone: (512) 522-4893

Counsel for Plaintiffs Texas

General Land Office

and Commissioner Dawn

Buckingham, M.D.

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS

Director, Federal Programs Branch

/s/ Andrew I. Warden

ANDREW I. WARDEN (IN Bar #23840-49)

Senior Trial Counsel

Michael J. Gerardi

(D.C. Bar #1017949)

Senior Trial Counsel / *Attorney-in-Charge*

U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L St. NW, No. 7506

Washington, D.C. 20005

Tel: (202) 616-5084

Fax: (202) 616-8470

Email: Andrew.Warden@usdoj.gov

CERTIFICATE OF CONFERENCE

On June 30, 2023, counsel for Plaintiffs conferred with counsel for Defendants regarding the instant motion, and counsel for Defendants indicate that they do not oppose the relief sought by Plaintiffs.

/s/ Jeff P. Johnson
Jeff P. Johnson
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on July 7, 2023, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Jeff P. Johnson
Jeff P. Johnson
Counsel for Plaintiffs